

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 31
August 8, 2013
UNOFFICIAL DRAFT - 8/8/13 Morning Session

Provided by Freedom of the Press Foundation

Min-U-Script® with Word Index

VOLUME XXXI

IN THE UNITED STATES ARMY

4 UNITED STATES

5 | VS.

6 MANNING, Bradley E., Pfc.

COURT-MARTIAL

7 U.S. Army, xxx-xx-9504

8 | Headquarters and Headquarters Company,

9 U.S. Army Garrison,

10 Joint Base Myer-Henderson Hall,

11 | Fort Myer, VA 22211

12 _____ /

DISCLAIMER

11
12 This unedited, uncertified draft transcript
13 may contain court reporting outlines that are not
14 translated, notes made by the reporter for editing
15 purposes, misspelled terms and names, word combinations
16 that do not make sense, and missing testimony or
17 colloquy due to being inaudible by the reporter.

1 APPEARANCES:

2

3 ON BEHALF OF GOVERNMENT:

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ANGEL OVERGAARD

7 CAPTAIN HUNTER WHYTE

8 CAPTAIN ALEXANDER von ELLEN

9

10 ON BEHALF OF ACCUSED:

11 DAVID COOMBS

12 CAPTAIN JOSHUA TOOMAN

13 MAJOR THOMAS HURLEY

14

15

16

17

18

19

20

21

PROCEEDINGS,

THE COURT: Court is called to order.

Major Fein, please account for all parties.

4 MR. FEIN: Yes, Ma'am. All parties in the
5 Court when Court last recessed are again present, with
6 the one exception Captain von Ellen is absent. Captain
7 Morrow is present.

12 As of 0923 this morning, Ma'am, there are
13 seven members of the media in the Media Operation
14 Center, one stenographer, there are no media in the
15 courtroom, three spectators in the courtroom. And
16 although the overflow trailer is available, it is not
17 currently being used.

1 Defense objections in the RCM 1001(b)(4) for Major
2 Nagata and Colonel Chesnutt. It was previously marked
3 as Appellate Exhibit 642. It is now remarked as 642
4 Alpha. And the United States has created an
5 unclassified and redacted version and that's been
6 marked as Appellate Exhibit 642 Bravo.

7 THE COURT: All right. Thank you. Is that
8 the only new Appellate Exhibit that's been added?

9 MR. COOMBS: Other than the Court's order,
10 yes, Ma'am.

11 THE COURT: And if I understand correctly,
12 I met with counsel at an RCM 802 Conference briefly
13 before we came on record today. Defense advised that
14 the objections from yesterday have been given to the
15 Government. The Government at this point has not yet
16 compiled them in accordance with the procedures that we
17 had. And that's going to be done today; is that correct?

18 MR. FEIN: Yes, Ma'am. That will be done
19 this morning.

20 THE COURT: We were scheduled to hear a
21 witness this morning. What is the status?

1 MR. FEIN: Ma'am, the United States no
2 longer intends to call that witness any longer, so what
3 we have done is brought this afternoon's witness in
4 earlier to allow the Defense to question or meet with
5 the witness beforehand to accelerate today's schedule.

6 THE COURT: My understanding is the parties
7 have conferred and have come up with a mutually
8 agreeable schedule for today?

9 MR. FEIN: Yes, Ma'am. The United States
10 proposes after we recess this Court, Defense meets with
11 that witness and then the Court -- we come back on the
12 record at noon to start the first witness of the day.

13 THE COURT: At 12:00?

14 MR. FEIN: Yes, Ma'am.

15 THE COURT: And does the Government States
16 anticipate going into a closed session with that
17 witness?

18 MR. FEIN: At this present time, no, Ma'am,
19 the United States does not.

20 CAPTAIN TOOMAN: May we confer. We may
21 have no objection to it.

1 THE COURT: Okay. Is there anything else
2 we need to address before we recess the Court until
3 12:00?

4 MR. FEIN: No, Ma'am.

5 THE COURT: Court is recessed until 12:00.
6 (Court recessed at 9:34, to reconvene at
7 12:00 noon.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

A	Chesnutt (1) 5:2 classified (1) 4:21 closed (3) 4:10,18;6:16 Colonel (1) 5:2 compiled (1) 5:16 completed (1) 4:9 confer (1) 6:20 Conference (1) 5:12 conferred (1) 6:7 COOMBS (1) 5:9 correctly (1) 5:11 counsel (1) 5:12 COURT (18) 4:2,2,5,5,9;5:7,11,20;6:6, 10,11,13,15;7:1,2,5,5,6 courtroom (2) 4:15,15 Court's (1) 5:9 created (1) 5:4 currently (1) 4:17	first (1) 6:12 followed (1) 4:10	6:7
B		G	N
		given (1) 5:14 Government (3) 5:15,15;6:15 Government's (1) 4:21	Nagata (1) 5:2 need (1) 7:2 new (1) 5:8 noon (2) 6:12;7:7
		H	O
		hear (1) 5:20 hearing (1) 4:10 highlight (1) 4:11	objection (1) 6:21 objections (2) 5:1,14 Officer (1) 4:9 one (2) 4:6,14 only (1) 5:8 open (2) 4:8,9 Operation (1) 4:13 order (2) 4:2;5:9 overflow (1) 4:16
C		I	
	day (1) 6:12 Defense (4) 5:1,13;6:4,10 done (3) 5:17,18;6:3	intends (1) 6:2 into (1) 6:16	P
	D	L	
	earlier (1) 6:4 Ellen (1) 4:6 else (1) 7:1 exception (1) 4:6 Exhibit (4) 4:20;5:3,6,8	last (1) 4:5 longer (2) 6:2,2	
	E	M	
		Ma'am (11) 4:4,8,12,18;5:10,18;6:1,9, 14,18;7:4 Major (2) 4:3;5:1 marked (3) 4:20;5:2,6 may (2) 6:20,20 Media (3) 4:13,13,14 meet (1) 6:4 meets (1) 6:10 members (1) 4:13 met (1) 5:12 morning (3) 4:12;5:19,21 Morrow (1) 4:7 mutually (1)	papers (1) 4:11 parties (3) 4:3,4;6:6 please (1) 4:3 point (1) 5:15 present (3) 4:5,7;6:18 previously (2) 4:20;5:2 procedures (1) 5:16 PROCEEDINGS (1) 4:1 proposes (1) 6:10
	F		R
	Fein (8) 4:3,4;5:18;6:1,9,14,18; 7:4		RCM (2) 5:1,12 recess (2) 6:10;7:2 recessed (3) 4:5;7:5,6

reconvene (1) 7:6		
record (2) 5:13;6:12	V	
redacted (1) 5:5	version (2) 4:21;5:5	
remarked (2) 4:19;5:3	von (1) 4:6	
response (1) 4:21		W
right (1) 5:7	witness (7) 5:21;6:2,3,5,11,12,17	
S	Y	
schedule (2) 6:5,8	yesterday (2) 4:19;5:14	
scheduled (1) 5:20	0	
Security (1) 4:9	0923 (1) 4:12	
session (3) 4:9,18;6:16	1	
seven (1) 4:13	1001b4 (1) 5:1	
spectators (1) 4:15	12:00 (4) 6:13;7:3,5,7	
start (1) 6:12	6	
States (6) 4:19;5:4;6:1,9,15,19	642 (4) 4:20;5:3,3,6	
status (1) 5:21	8	
stenographer (1) 4:14	802 (1) 5:12	
T	9	
three (1) 4:15	9:34 (1) 7:6	
today (3) 5:13,17;6:8		
today's (1) 6:5		
TOOMAN (1) 6:20		
trailer (1) 4:16		
trial (1) 4:10		
U		
unclassified (2) 4:8;5:5		
United (5) 4:19;5:4;6:1,9,19		
up (1) 6:7		
used (1) 4:17		